

**BEFORE THE  
PHYSICIAN ASSISTANT BOARD  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

<b>In the Matter of the Accusation</b>	)	
<b>Against:</b>	)	
	)	
<b>CORINNE ANNE CUPPY, P.A.</b>	)	<b>Case No. 950-2014-000216</b>
	)	
<b>Physician Assistant</b>	)	
<b>License No. PA 15722</b>	)	
	)	
<b>Respondent</b>	)	
_____	)	

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Physician Assistant Board, Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 21, 2016.

IT IS SO ORDERED November 21, 2016.

**PHYSICIAN ASSISTANT BOARD**

By:   
Robert E. Sachs, P.A., Chair

1 KAMALA D. HARRIS  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 RANDALL R. MURPHY  
Deputy Attorney General  
4 State Bar No. 165851  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
**PHYSICIAN ASSISTANT BOARD**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 950-2014-000216

12 CORINNE ANNE CUPPY, P.A.  
6900 Ranch House Way  
13 Citrus Heights, CA 95621

OAH No. 20166060039

14 Physician Assistant License No. PA15722,

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Respondent.  
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Glenn L. Mitchell, Jr. ("Complainant") is the Executive Officer of the Physician  
21 Assistant Board. He brought this action solely in his official capacity and is represented in this  
22 matter by Kamala D. Harris, Attorney General of the State of California, by Randall R. Murphy,  
23 Deputy Attorney General.

24 2. Respondent Corinne Anne Cuppy, P.A., is represented in this proceeding by attorney  
25 Jonathan C. Turner, whose address is: 1007 Seventh Street, Suite 304, Sacramento, California  
26 95814.

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3. On or about January 11, 2001, the Physician Assistant Board issued Physician Assistant License No. PA15722 to Corinne Anne Cuppy, P.A. ("Respondent"). The Physician Assistant License was in full force and effect at all times relevant to the charges brought in Accusation No. 950-2014-000216, and will expire on March 31, 2017, unless renewed.

## JURISDICTION

4. Accusation No. 950-2014-000216 was filed before the Physician Assistant Board (“Board”), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 11, 2016. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 950-2014-000216 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 950-2014-000216. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 9502014000216, if proven at a hearing, constitute cause for imposing discipline upon her Physician Assistant License.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges.

11. Respondent agrees that her Physician Assistant License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## RESERVATION

12. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Physician Assistant Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

## CONTINGENCY

13. This stipulation shall be subject to approval by the Physician Assistant Board. Respondent understands and agrees that counsel for Complainant and the staff of the Physician Assistant Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

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1           15. In consideration of the foregoing admissions and stipulations, the parties agree that  
2 the Board may, without further notice or formal proceeding, issue and enter the following  
3 Disciplinary Order:

4                                   **DISCIPLINARY ORDER**

5           IT IS HEREBY ORDERED that Physician Assistant License No. PA15722 issued to  
6 Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation  
7 for a period of three (3) years (with Respondent eligible to apply for early termination of  
8 probation after two (2) years) on the following terms and conditions.

9           1. **CONTROLLED DRUGS-MAINTAIN RECORD** Respondent shall maintain a  
10 record of all controlled substances administered, transmitted orally or in writing on a patient's  
11 record or handed to a patient by the Respondent during probation showing all the following: 1)  
12 the name and address of the patient, 2) the date, 3) the character and quantity of controlled  
13 substances involved, 4) the indications and diagnosis for which the controlled substance was  
14 furnished, and 5) the name of the supervising physician prescriber.

15           Respondent shall keep these records at the worksite in a separate file or ledger, in  
16 chronological order, and shall make them available for immediate inspection and copying by the  
17 Board or its designee, on the premises at all times during business hours, upon request and  
18 without charge.

19           2. **MEDICAL RECORD KEEPING COURSE** Within 60 calendar days of the effective  
20 date of this decision, Respondent shall enroll in a course in medical record keeping approved in  
21 advance by the Board or its designee. The course shall be Category I certified, limited to  
22 classroom, conference, or seminar settings. Respondent shall successfully complete the course  
23 within the first 6 months of probation.

24           Respondent shall pay the cost of the course.

25           Respondent shall submit a certification of successful completion to the Board or its  
26 designee within 15 days after completing the course.

27           Respondent's participation in this course may also be credited towards her Continuing  
28 Medical Education (CME) requirements for renewal of licensure.

1           3.   PREScribing PRACTICES COURSE   Within 60 calendar days of the effective  
2   date of this decision, respondent shall enroll in a course in prescribing practices equivalent to the  
3   Prescribing Practices Course at the Physician Assessment and Clinical Education Program,  
4   University of California, San Diego School of Medicine (program), approved in advance by the  
5   Board or its designee. Respondent shall provide the program with any information and  
6   documents that the program may deem pertinent. Respondent shall participate in and  
7   successfully complete the classroom component of the course not later than six (6) months after  
8   respondent's initial enrollment. Respondent shall successfully complete any other component of  
9   the course within one (1) year of enrollment. The prescribing practices course shall be in addition  
10  to the Continuing Medical Education (CME) requirements for renewal of licensure.

11           Respondent shall pay the cost of the course. The program shall determine whether  
12  respondent successfully completes the course.

13           Respondent shall submit a certification of successful completion to the Board or its  
14  designee not later than 15 calendar days after successfully completing the course, or not later than  
15  15 calendar days after the effective date of the decision, whichever is later.

16           Respondent's participation in this course may also be credited towards her CME  
17  requirements for renewal of licensure.

18           4.   APPROVAL OF SUPERVISING PHYSICIAN   Within 30 days of the effective date  
19  of this decision, Respondent shall submit to the Board or its designee for its prior approval the  
20  name and license number of the supervising physician and a practice plan detailing the nature and  
21  frequency of supervision to be provided. Respondent shall not practice until the supervising  
22  physician and practice plan are approved by the Board or its designee.

23           Respondent shall have the supervising physician submit quarterly reports to the Board or its  
24  designee.

25           If the supervising physician resigns or is no longer available, Respondent shall, within 15  
26  days, submit the name and license number of a new supervising physician for approval.

27           Respondent shall not practice until a new supervising physician has been approved by the Board  
28  or its designee.

1           5.    NOTIFICATION OF EMPLOYER AND SUPERVISING PHYSICIAN Respondent  
2 shall notify his/her current and any subsequent employer and supervising physician(s) of the  
3 discipline and provide a copy of the Accusation, Decision, and Order to each employer and  
4 supervising physician(s) during his/her period of probation, before accepting or continuing  
5 employment. Respondent shall ensure that each employer informs the Board or its designee, in  
6 writing within 30 days, verifying that the employer and supervising physician(s) have received a  
7 copy of the Accusation, Decision, and Order.

8           This condition shall apply to any change(s) in place of employment.

9           The Respondent shall provide to the Board or its designee the names, physical addresses,  
10 mailing addresses, and telephone numbers of all employers, supervising physicians, and work site  
11 monitor, and shall inform the Board or its designee in writing of the facility or facilities at which  
12 the person practices as a physician assistant.

13           Respondent shall give specific, written consent to the Board or its designee to allow the  
14 Board or its designee to communicate with the employer, supervising physician, or work site  
15 monitor regarding the licensee's work status, performance, and monitoring.

16           6.    OBEY ALL LAWS Respondent shall obey all federal, state, and local laws, and all  
17 rules governing the practice of medicine as a physician assistant in California, and remain in full  
18 compliance with any court ordered criminal probation, payments, and other orders.

19           7.    QUARTERLY REPORTS Respondent shall submit quarterly declarations under  
20 penalty of perjury on forms provided by the Board or its designee, stating whether there has been  
21 compliance with all the conditions of probation.

22           8.    OTHER PROBATION REQUIREMENTS Respondent shall comply with the  
23 Board's probation unit. Respondent shall, at all times, keep the Board and probation unit  
24 informed of Respondent's business and residence addresses. Changes of such addresses shall be  
25 immediately communicated in writing to the Board and probation unit. Under no circumstances  
26 shall a post office box serve as an address of record, except as allowed by California Code of  
27 Regulations 1399.523.

28           Respondent shall appear in person for an initial probation interview with Board or its

1 designee within 90 days of the decision. Respondent shall attend the initial interview at a time  
2 and place determined by the Board or its designee.

3 Respondent shall, at all times, maintain a current and renewed physician assistant license.

4 Respondent shall also immediately inform the probation unit, in writing, of any travel to  
5 any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than  
6 thirty (30) days.

7 9. INTERVIEW WITH MEDICAL CONSULTANT Respondent shall appear in  
8 person for interviews with the Board's medical or expert physician assistant consultant upon  
9 request at various intervals and with reasonable notice.

10 10. NON-PRACTICE WHILE ON PROBATION Respondent shall notify the Board or  
11 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
12 30 calendar days. Non-practice is defined as any period of time exceeding 30 calendar days in  
13 which respondent is not practicing as a physician assistant. Respondent shall not return to  
14 practice until the supervising physician is approved by the Board or its designee.

15 If, during probation, Respondent moves out of the jurisdiction of California to reside or  
16 practice elsewhere, including federal facilities, Respondent is required to immediately notify the  
17 Board in writing of the date of departure and the date of return, if any.

18 Practicing as a physician assistant in another state of the United States or federal  
19 jurisdiction while on active probation with the physician assistant licensing authority of that state  
20 or jurisdiction shall not be considered non-practice.

21 All time spent in a clinical training program that has been approved by the Board or its  
22 designee, shall not be considered non-practice. Non-practice due to a Board ordered suspension  
23 or in compliance with any other condition or probation, shall not be considered a period of non-  
24 practice.

25 Any period of non-practice, as defined in this condition, will not apply to the reduction of  
26 the probationary term.

27 Periods of non-practice do not relieve Respondent of the responsibility to comply with the  
28 terms and conditions of probation.



1 It shall be considered a violation of probation if for a total of two years, Respondent fails to  
2 practice as a physician assistant. Respondent shall not be considered in violation for non-practice  
3 as long as Respondent is residing and practicing as a physician assistant in another state of the  
4 United States and is on active probation with the physician assistant licensing authority of that  
5 state, in which case the two year period shall begin on the date probation is completed or  
6 terminated in that state.

7 11. UNANNOUNCED CLINICAL SITE VISIT The Board or its designee may make  
8 unannounced clinical site visits at any time to ensure that Respondent is complying with all terms  
9 and conditions of probation.

10 12. CONDITION FULFILLMENT A course, evaluation, or treatment completed after  
11 the acts that gave rise to the charges in the accusation, but prior to the effective date of the  
12 Decision may, in the sole discretion of the Board or its designee, be accepted towards the  
13 fulfillment of the condition.

14 13. COMPLETION OF PROBATION Respondent shall comply with all financial  
15 obligations (e.g., cost recovery, probation costs) no later than 60 calendar days prior to the  
16 completion of probation. Upon successful completion of probation, Respondent's license will be  
17 fully restored.

18 14. VIOLATION OF PROBATION If Respondent violates probation in any respect, the  
19 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
20 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is  
21 filed against Respondent during probation, the Board shall have continuing jurisdiction until the  
22 matter is final, and the period of probation shall be extended until the matter is final.

23 15. COST RECOVERY The respondent is hereby ordered to reimburse the Physician  
24 Assistant Board the amount of \$7,500 within 90 days from the effective date of this decision for  
25 its investigative costs. Failure to reimburse the Board's costs for its investigation shall constitute  
26 a violation of the probation order, unless the Board agrees in writing to payment by an installment  
27 plan because of financial hardship. The filing of bankruptcy by the Respondent shall not relieve  
28 the Respondent of her responsibility to reimburse the Board for its investigative costs.

1           16.   PROBATION MONITORING COSTS   Respondent shall pay the costs associated  
2 with probation monitoring each and every year of probation, as designated by the Board, which  
3 may be adjusted on an annual basis. The costs shall be made payable to the Physician Assistant  
4 Board and delivered to the Board no later than January 31 of each calendar year.

5           17.   VOLUNTARY LICENSE SURRENDER   Following the effective date of this  
6 probation, if Respondent ceases practicing due to retirement, health reasons, or is otherwise  
7 unable to satisfy the terms and conditions of probation, Respondent may request, in writing, the  
8 voluntarily surrender of Respondent's license to the Board. Respondent's written request to  
9 surrender her license shall include the following: her name, license number, case number, address  
10 of record, and an explanation of the reason(s) why Respondent seeks to surrender her license.  
11 The Board reserves the right to evaluate the Respondent's request and to exercise its discretion  
12 whether to grant the request, or to take any other action deemed appropriate and reasonable under  
13 the circumstances. Respondent shall not be relieved of the requirements of her probation unless  
14 the Board or its designee notifies Respondent in writing that Respondent's request to surrender  
15 her license has been accepted. Upon formal acceptance of the surrender, Respondent shall, within  
16 15 days, deliver Respondent's wallet and wall certificate to the Board or its designee and shall no  
17 longer practice as a physician assistant. Respondent will no longer be subject to the terms and  
18 conditions of probation and the surrender of Respondent's license shall be deemed disciplinary  
19 action. If Respondent re-applies for a physician assistant license, the application shall be treated  
20 as a petition for reinstatement of a revoked license.

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
3 discussed it with my attorney, Jonathan C. Turner. I understand the stipulation and the effect it  
4 will have on my Physician Assistant License. I enter into this Stipulated Settlement and  
5 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
6 Decision and Order of the Physician Assistant Board.

7  
8 DATED: 9/2/16

  
CORINNE ANNE CUPPY, P.A.  
Respondent

10 I have read and fully discussed with Respondent CORINNE ANNE CUPPY, P.A. the terms  
11 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
12 Order. I approve its form and content.

13 DATED: 9/2/16

  
JONATHAN C. TURNER  
Attorney for Respondent


15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
17 submitted for consideration by the Physician Assistant Board.

18  
19 Dated: 9/2/16

Respectfully submitted,

20 KAMALA D. HARRIS  
Attorney General of California  
21 JUDITH T. ALVARADO  
Supervising Deputy Attorney General

22  
23   
RANDALL R. MURPHY  
24 Deputy Attorney General  
Attorneys for Complainant  
25  
26  
27  
28

**Exhibit A**

**Accusation No. 950-2014-000216**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 RANDALL R. MURPHY  
Deputy Attorney General  
4 State Bar No. 165851  
California Department of Justice  
5 300 South Spring Street, Suite 1702  
Los Angeles, California 90013  
6 Telephone: (213) 897-2493  
Facsimile: (213) 897-9395  
7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO March 11 20 16  
BY R. Voong ANALYST

8 **BEFORE THE**  
9 **PHYSICIAN ASSISTANT BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 950-2014-000216

12 CORINNE ANNE CUPPY, P.A.  
1445 Oak Grove Dr.  
13 Roseville, CA 95621

**A C C U S A T I O N**

14 Physician Assistant License No. PA15722,

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Glenn L. Mitchell, Jr. ("Complainant") brings this Accusation solely in his official  
20 capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer  
21 Affairs.

22 2. On or about January 11, 2001, the Physician Assistant Board issued Physician  
23 Assistant License Number PA15722 to Corinne Anne Cuppy, P.A. ("Respondent"). That license  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 March 31, 2017, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following  
28 sections of the California Business and Professions Code ("Code") unless otherwise indicated.

1       4.     Section 125.3 of the Code states, in pertinent part, that the Board may request an  
2 administrative law judge to "direct a licensee found to have committed a violation or violations  
3 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
4 enforcement of the case."

5       5.     Section 2234 of the Code states:

6       "The board shall take action against any licensee who is charged with unprofessional  
7 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
8 limited to, the following:

9       "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the  
10 violation of, or conspiring to violate any provision of this chapter.

11       "(b) Gross negligence.

12       "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or  
13 omissions. An initial negligent act or omission followed by a separate and distinct departure from  
14 the applicable standard of care shall constitute repeated negligent acts.

15       "(1) An initial negligent diagnosis followed by an act or omission medically appropriate for  
16 that negligent diagnosis of the patient shall constitute a single negligent act.

17       "(2) When the standard of care requires a change in the diagnosis, act, or omission that  
18 constitutes the negligent act described in paragraph (1), including, but not limited to, a  
19 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the  
20 applicable standard of care, each departure constitutes a separate and distinct breach of the  
21 standard of care.

22       "(d) Incompetence.

23       "..."

24       6.     Section 3502.1 of the Code states:

25       (a) In addition to the services authorized in the regulations adopted by the Medical Board of  
26 California, and except as prohibited by Section 3502, while under the supervision of a licensed  
27 physician and surgeon or physicians and surgeons authorized by law to supervise a physician  
28 assistant, a physician assistant may administer or provide medication to a patient, or transmit

1 orally, or in writing on a patient's record or in a drug order, an order to a person who may  
2 lawfully furnish the medication or medical device pursuant to subdivisions (c) and (d).

3 (1) A supervising physician and surgeon who delegates authority to issue a drug order to a  
4 physician assistant may limit this authority by specifying the manner in which the physician  
5 assistant may issue delegated prescriptions.

6 (2) Each supervising physician and surgeon who delegates the authority to issue a drug  
7 order to a physician assistant shall first prepare and adopt, or adopt, a written, practice specific,  
8 formulary and protocols that specify all criteria for the use of a particular drug or device, and any  
9 contraindications for the selection. Protocols for Schedule II controlled substances shall address  
10 the diagnosis of illness, injury, or condition for which the Schedule II controlled substance is  
11 being administered, provided, or issued. The drugs listed in the protocols shall constitute the  
12 formulary and shall include only drugs that are appropriate for use in the type of practice engaged  
13 in by the supervising physician and surgeon. When issuing a drug order, the physician assistant is  
14 acting on behalf of and as an agent for a supervising physician and surgeon.

15 (b) "Drug order," for purposes of this section, means an order for medication that is  
16 dispensed to or for a patient, issued and signed by a physician assistant acting as an individual  
17 practitioner within the meaning of Section 1306.02 of Title 21 of the Code of Federal  
18 Regulations. Notwithstanding any other provision of law, (1) a drug order issued pursuant to this  
19 section shall be treated in the same manner as a prescription or order of the supervising physician,  
20 (2) all references to "prescription" in this code and the Health and Safety Code shall include drug  
21 orders issued by physician assistants pursuant to authority granted by their supervising physicians  
22 and surgeons, and (3) the signature of a physician assistant on a drug order shall be deemed to be  
23 the signature of a prescriber for purposes of this code and the Health and Safety Code.

24 (c) A drug order for any patient cared for by the physician assistant that is issued by the  
25 physician assistant shall either be based on the protocols described in subdivision (a) or shall be  
26 approved by the supervising physician and surgeon before it is filled or carried out.

27 (1) A physician assistant shall not administer or provide a drug or issue a drug order for a  
28 drug other than for a drug listed in the formulary without advance approval from a supervising

1 physician and surgeon for the particular patient. At the direction and under the supervision of a  
2 physician and surgeon, a physician assistant may hand to a patient of the supervising physician  
3 and surgeon a properly labeled prescription drug prepackaged by a physician and surgeon,  
4 manufacturer as defined in the Pharmacy Law, or a pharmacist.

5 (2) A physician assistant shall not administer, provide, or issue a drug order to a patient  
6 for Schedule II through Schedule V controlled substances without advance approval by a  
7 supervising physician and surgeon for that particular patient unless the physician assistant has  
8 completed an education course that covers controlled substances and that meets standards,  
9 including pharmacological content, approved by the board. The education course shall be  
10 provided either by an accredited continuing education provider or by an approved physician  
11 assistant training program. If the physician assistant will administer, provide, or issue a drug  
12 order for Schedule II controlled substances, the course shall contain a minimum of three hours  
13 exclusively on Schedule II controlled substances. Completion of the requirements set forth in this  
14 paragraph shall be verified and documented in the manner established by the board prior to the  
15 physician assistant's use of a registration number issued by the United States Drug Enforcement  
16 Administration to the physician assistant to administer, provide, or issue a drug order to a patient  
17 for a controlled substance without advance approval by a supervising physician and surgeon for  
18 that particular patient.

19 (3) Any drug order issued by a physician assistant shall be subject to a reasonable  
20 quantitative limitation consistent with customary medical practice in the supervising physician  
21 and surgeon's practice.

22 (d) A written drug order issued pursuant to subdivision (a), except a written drug order in  
23 a patient's medical record in a health facility or medical practice, shall contain the printed name,  
24 address, and telephone number of the supervising physician and surgeon, the printed or stamped  
25 name and license number of the physician assistant, and the signature of the physician assistant.  
26 Further, a written drug order for a controlled substance, except a written drug order in a patient's  
27 medical record in a health facility or a medical practice, shall include the federal controlled  
28 substances registration number of the physician assistant and shall otherwise comply with Section



1 11162.1 of the Health and Safety Code. Except as otherwise required for written drug orders for  
2 controlled substances under Section 11162.1 of the Health and Safety Code, the requirements of  
3 this subdivision may be met through stamping or otherwise imprinting on the supervising  
4 physician and surgeon's prescription blank to show the name, license number, and if applicable,  
5 the federal controlled substances registration number of the physician assistant, and shall be  
6 signed by the physician assistant. When using a drug order, the physician assistant is acting on  
7 behalf of and as the agent of a supervising physician and surgeon.

8 (c) The supervising physician and surgeon shall use either of the following mechanisms to  
9 ensure adequate supervision of the administration, provision, or issuance by a physician assistant  
10 of a drug order to a patient for Schedule II controlled substances:

11 (1) The medical record of any patient cared for by a physician assistant for whom the  
12 physician assistant's Schedule II drug order has been issued or carried out shall be reviewed,  
13 countersigned, and dated by a supervising physician and surgeon within seven days.

14 (2) If the physician assistant has documentation evidencing the successful completion of  
15 an education course that covers controlled substances, and that controlled substance education  
16 course (A) meets the standards, including pharmacological content, established in Sections  
17 1399.610 and 1399.612 of Title 16 of the California Code of Regulations, and (B) is provided  
18 either by an accredited continuing education provider or by an approved physician assistant  
19 training program, the supervising physician and surgeon shall review, countersign, and date,  
20 within seven days, a sample consisting of the medical records of at least 20 percent of the patients  
21 cared for by the physician assistant for whom the physician assistant's Schedule II drug order has  
22 been issued or carried out. Completion of the requirements set forth in this paragraph shall be  
23 verified and documented in the manner established in Section 1399.612 of Title 16 of the  
24 California Code of Regulations. Physician assistants who have a certificate of completion of the  
25 course described in paragraph (2) of subdivision (c) shall be deemed to have met the education  
26 course requirement of this subdivision.

27 (f) All physician assistants who are authorized by their supervising physicians to issue drug  
28 orders for controlled substances shall register with the United States Drug Enforcement

1 Administration (DEA).

2 (g) The board shall consult with the Medical Board of California and report during its  
3 sunset review required by Article 7.5 (commencing with Section 9147.7) of Chapter 1.5 of Part 1  
4 of Division 2 of Title 2 of the Government Code the impacts of exempting Schedule III and  
5 Schedule IV drug orders from the requirement for a physician and surgeon to review and  
6 countersign the affected medical record of a patient.

7 7. Section 3527 of the Code states:

8 “(a) The board may order the denial of an application for, or the issuance subject to terms  
9 and conditions of, or the suspension or revocation of, or the imposition of probationary conditions  
10 upon a physician assistant license after a hearing as required in Section 3528 for unprofessional  
11 conduct which includes, but is not limited to, a violation of this chapter, a violation of the  
12 Medical Practice Act, or a violation of the regulations adopted by the board or the Medical Board  
13 of California.”

14 “(b) The board may order the denial of an application for, or the suspension or revocation  
15 of, or the imposition of probationary conditions upon, an approved program after a hearing as  
16 required in Section 3528 for a violation of this chapter or the regulations adopted pursuant  
17 thereto.”

18 “(c) The Medical Board of California may order the denial of an application for, or the  
19 issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition  
20 of probationary conditions upon, an approval to supervise a physician assistant, after a hearing as  
21 required in Section 3528, for unprofessional conduct, which includes, but is not limited to, a  
22 violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations  
23 adopted by the board or the Medical Board of California.”

24 “. . .”

25 8. Section 2266 of the Code states: “The failure of a physician and surgeon to maintain  
26 adequate and accurate records relating to the provision of services to their patients constitutes  
27 unprofessional conduct.”

28 9. California Code of Regulations, title 16, section 1399.521, states in relevant part:

1        "In addition to the grounds set forth in section 3527, subd. (a), of the code the board may  
2 deny, issue subject to terms and conditions, suspend, revoke or place on probation a physician  
3 assistant for the following causes:"

4        "(a) Any violation of the State Medical Practice Act which would constitute unprofessional  
5 conduct for a physician and surgeon."

6        "..."

7        10. California Code of Regulations, title 16, section 1399.540, states:

8        "(a) A physician assistant may only provide those medical services which he or she is  
9 competent to perform and which are consistent with the physician assistant's education, training,  
10 and experience, and which are delegated in writing by a supervising physician who is responsible  
11 for the patients cared for by that physician assistant.

12        "(b) The writing which delegates the medical services shall be known as a delegation of  
13 services agreement. A delegation of services agreement shall be signed and dated by the  
14 physician assistant and each supervising physician. A delegation of services agreement may be  
15 signed by more than one supervising physician only if the same medical services have been  
16 delegated by each supervising physician. A physician assistant may provide medical services  
17 pursuant to more than one delegation of services agreement.

18        "(c) The board or Medical Board of California or their representative may require proof or  
19 demonstration of competence from any physician assistant for any tasks, procedures or  
20 management he or she is performing.

21        "(d) A physician assistant shall consult with a physician regarding any task, procedure or  
22 diagnostic problem which the physician assistant determines exceeds his or her level of  
23 competence or shall refer such cases to a physician."

24        11. California Code of Regulations, title 16, section 1399.541, states, in pertinent part:

25        "Because physician assistant practice is directed by a supervising physician, and a  
26 physician assistant acts as an agent for that physician, the orders given and tasks performed by a  
27 physician assistant shall be considered the same as if they had been given and performed by the  
28 supervising physician. Unless otherwise specified in these regulations or in the delegation or

1 protocols, these orders may be initiated without the prior patient specific order of the supervising  
2 physician.

3 "In any setting, including for example, any licensed health facility, out-patient settings,  
4 patients' residences, residential facilities, and hospices, as applicable, a physician assistant may,  
5 pursuant to a delegation and protocols where present:

6 "(a) Take a patient history; perform a physical examination and make an assessment and  
7 diagnosis therefrom; initiate, review and revise treatment and therapy plans including plans for  
8 those services described in Section 1399.541(b) through Section 1399.541(i) inclusive; and record  
9 and present pertinent data in a manner meaningful to the physician.

10 "..."

11 "(h) Administer or provide medication to a patient, or issue or transmit drug orders orally or  
12 in writing in accordance with the provisions of subdivisions (a)-(f), inclusive, of Section 3502.1  
13 of the Code."

#### 14 FACTS

15 12. Respondent was employed in an office where Dr. J.C. was a physician. Dr. J.C. was  
16 unable to write prescriptions for scheduled drugs because his DEA license had been revoked.

17 13. Respondent was signing prescriptions for patients at that office. However, the writing  
18 on the prescriptions was not that of Respondent, but only the signature appeared to be that of  
19 Respondent.

20 14. On or about June 4, 2014, patient E.B. attempted to fill a Daytrana prescription signed  
21 by Respondent at Costco Pharmacy. Due to questions about the prescription a pharmacist tech  
22 telephoned the medical office (Quality Medical Center) and was told by "Amy" that "Dr. J.C. was  
23 the one who prescribed the medication." The Pharmacist, E.D., spoke with patient E.B. and was  
24 told by E.B. that she always sees Dr. J.C. and that Dr. J.C. fills out the prescription and has  
25 "somebody else sign it."

26 15. Patient A.S. was interviewed on or about April 14, 2015, and reported that Dr. J.C.  
27 always filled out the prescription pads and would have "another doctor" sign them. He stated that  
28 on occasion, Dr. J.C. would get the "other doctors" and bring them into the room. The "other

1 doctors" would listen to Dr. J.C. give a brief history of him and tell the doctor that he had treated  
2 A.S. for a long time with the prescribed medication. The "other doctors" would then sign the  
3 prescription but the "other doctors" didn't perform a physical examination and relied on what Dr.  
4 J.C. told them.

5 16. On or about April 16, 2015, E.B. was interviewed and reported that Dr. J.C. was  
6 unable to write prescriptions so he had another physician prescribe the medications for him.

7 17. On or about June 2, 2015, R.L. was interviewed and reported that "somebody else"  
8 wrote the prescriptions for Dr. J.C. because he was unable to do so.

9 18. The medical records show that Respondent wrote prescriptions for Klonopin and  
10 Ambien for patient A.S., Adderall for patient R.L., and Daytrana for patient E.B.

11 19. Pharmacy records confirm that Respondent prescribed Daytrana to E.B. on three  
12 occasions at two separate pharmacies.

13 20. Pharmacy records confirm two prescriptions for clonazepam and two prescriptions for  
14 zolpidem to A.S. from Respondent.

15 21. Pharmacy records confirm that Respondent prescribed amphetamine salts on 15  
16 occasions to R.L.

17 22. Medical records for E.B. show a note written by Dr. J.C. stating "Agree with plan,  
18 CCPA" referring to Respondent.

19 23. Medical records for A.S. show three progress notes written by Dr. J.C. There are no  
20 progress notes written by Respondent for these patients.

21 24. There are only two progress notes written by Respondent in support of the 15  
22 prescriptions provided to R.L. These progress notes are for December 6, 2014 and March 5,  
23 2015.

24 25. The only Delegation of Services Agreement in the records is between Dr. D.P. and  
25 Respondent with Dr. S.H., as the back-up supervising physician. There is no Delegation of  
26 Services agreement between Dr. J.C. and Respondent.

27 26. Respondent prescribed scheduled medications to patients E.B., A.S. and R.L., without  
28 maintaining adequate medical records. In the medical records available, Respondent provided a

1 total of 22 prescriptions for scheduled medications to these three patients, but she wrote only two  
2 progress notes to support the prescriptions. On several occasions, Respondent co-signed the  
3 progress notes of Dr. J.C., however, as noted above, there is no Delegation of Services Agreement  
4 between Dr. J.C. and Respondent.

5 27. The medical records for E.B., A.S. and R.L., show no evidence or documentation that  
6 Respondent took a history from E.B., A.S. and R.L.

7 28. The medical records for E.B., A.S. and R.L., show Respondent co-signing Dr. J.C.'s  
8 physician's notes for no other purpose than to support the writing of prescriptions and with no  
9 indication of Respondent actually having the required interaction with the patients.

10 29. California law requires a physician assistant be supervised by a physician and that a  
11 Delegation of Services Agreement be executed reflecting that supervision and its parameters.

12 30. Dr. J.C.'s Drug Enforcement Administration registration number was revoked.

13 31. Respondent wrote controlled medication prescriptions for Dr. J.C.'s patients when the  
14 medical care for those patients was primarily being provided by Dr. J.C., whose DEA registration  
15 number had been revoked and no Delegation of Services between Respondent and Dr. J.C.  
16 existed.

17 **FIRST CAUSE FOR DISCIPLINE**  
**(Unlawful Prescribing by a Physician Assistant)**

18 32. Respondent is subject to disciplinary action under section 3502.1 in that Respondent  
19 transmitted prescriptions for controlled medications without an order from a supervising  
20 physician and surgeon for the particular patient. The circumstances are as follows:

21 33. Paragraphs 12 through 31 are incorporated herein by reference as if fully set forth  
22 herein.

23 **SECOND CAUSE FOR DISCIPLINE**  
**(Unprofessional Conduct-Failure to Comply with Legal Requirements)**

24 34. Respondent is subject to disciplinary action under California Code of Regulations,  
25 title 16, section 1399.540, in that no Delegation of Services Agreement was ever executed  
26 between Respondent and Dr. J.C. The circumstances are as follows:  
27  
28

1        35. Paragraphs 12 through 33 are incorporated herein by reference as if fully set forth  
2 herein.

3                                **THIRD CAUSE FOR DISCIPLINE**  
4                                **(Unprofessional Conduct-Gross Negligence)**

5        36. Respondent is subject to disciplinary action under section 3527 in that Respondent  
6 failed to perform any prior examination for the prescription of controlled substances to E.B., A.S.  
7 and R.L., which is a violation of section 2234, subdivision (b) of the Medical Practices Act. The  
8 circumstances are as follows:

9        37. Paragraphs 12 through 35 are incorporated herein by reference as if fully set forth  
10 herein.

11                                **FOURTH CAUSE FOR DISCIPLINE**  
12                                **(Failure to Maintain Adequate and Accurate Records)**

13        38. Respondent is subject to disciplinary action under section 2266 in that she failed to  
14 maintain adequate and accurate medical records for patients E.B., A.S. and R.L. The  
15 circumstances are as follows:

16        39. Paragraphs 12 through 37 are incorporated herein by reference as if fully set forth  
17 herein.

18                                **FIFTH CAUSE FOR DISCIPLINE**  
19                                **(Unprofessional Conduct-Repeated Negligent Acts)**

20        40. Respondent is subject to disciplinary action under section 2234, subdivision (c) of the  
21 Code, in that Respondent failed to take any patient history, perform a physical examination and/or  
22 make an assessment and diagnosis for the prescription of controlled substances to E.B., A.S. and  
23 R.L. The circumstances are as follows:

24        41. Paragraphs 12 through 39 are incorporated herein by reference as if fully set forth  
25 herein.

26                                **PRAYER**

27        WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
28 and that following the hearing, the Physician Assistant Board issue a decision:

1.        Revoking or suspending Physician Assistant License Number PA15722, issued to  
Corinne Anne Cuppy, P.A.

1           2.     Ordering her to pay the Physician Assistant Board the reasonable costs of the  
2 investigation and enforcement of this case, pursuant to Business and Professions Code section  
3 125.3;

4           3.     Taking such other and further action as deemed necessary and proper.  
5

6  
7 DATED: March 11, 2016



GLENN L. MITCHELL, JR.  
Executive Officer  
Physician Assistant Board  
Department of Consumer Affairs  
State of California  
*Complainant*

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